UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.61
9 April 1997

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 18 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Colombia, El Salvador, Guatemala*, Mexico, Norway*, Peru*, Spain*, United States of America and Venezuela*: draft resolution

1997/... Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Deeply gratified by the signing of the Agreement on a Firm and Lasting Peace by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) on 29 December 1996, which brought an end to the period of the most serious violations of human rights and to the internal armed conflict and concluded the negotiation process,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General and the importance of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly and other national and international entities,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Encouraged by the measures already taken by the signatories of the peace agreements to give effect to those agreements, such as the creation of the Follow-up Commission, the actions of the Guatemalan Government, the demobilization of URNG combatants under the supervision of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) within a period of 60 days beginning on 3 March 1997, as established in the timetable adopted for the implementation of the agreements from January 1997 to 31 December 2000, and the proper observance of the timetable,

Encouraged also by the international support for the Guatemalan Peace process, both in political terms, with the approval by the Security Council on 20 January 1997 of the formation of a military component of MINUGUA to monitor the permanent ceasefire and the recent extension of MINUGUA's mandate in March 1997, and in economic terms, with the approval of funds for cooperation in implementating the commitments made in the peace agreements, at the meeting of the Donor Consultative Group held in Brussels on 21 and 22 January 1997,

Having considered with satisfaction the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1997/90) and having studied its conclusions and recommendations, expresses its gratitude for the report and for the way in which she has discharged her mandate, as well as for the reports submitted to the Secretary-General by MINUGUA,

Concerned by the fact that violations of human rights and acts of violence continue to occur, in some cases involving members of the armed and security forces and other government officials, although the policies and actions of the Government are opposed to such acts and seek to put an end to them,

Regretting the human rights violations, both individual and collective, the marginalization and discrimination suffered by the indigenous populations in Guatemala, together with the continued deterioration of the economic and social situation, with its serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

1. Expresses its deep appreciation to the Government of Guatemala and URNG for their extraordinary efforts in concluding the Peace negotiations in 1996, to the moderator appointed by the Secretary-General for his invaluable contribution, to the Group of Friendly Countries for their efforts in

advancing the Peace process and bringing it to a successful conclusion and to the Civil-Society Assembly for its valuable contribution to the preparation of the agreements signed;

2. Recognizes the efforts of the Guatemalan Government in the field of human rights and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to protect and promote human rights and fundamental freedoms, taking into account the recommendations of the independent expert, the contributions of MINUGUA and the commitments made in the Peace agreements on the basis of the timetable for their implementation;

3. Regrets that, notwithstanding the efforts of the Government and the extraordinary developments in the area of peace, acts of violence persist, including violations of the right to life and physical integrity, and that impunity also continues to exist, and expresses its concern that the National Reconciliation Act might be used as an instrument for granting impunity to State officials involved in serious violations of human rights and criminal acts committed during the armed conflict;

4. Recognizes the work done by the Human Rights Procurator in the defence of human rights and fundamental freedoms and exhorts the Government of Guatemala to guarantee the conditions for the strengthening of his activities through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

5. Recognizes also the valuable role played by the non-governmental human rights organizations in defending and promoting human rights and in combating impunity for violators of human rights and requests the Government to facilitate their activities and the use of advisory services in the field of human rights;

6. Expresses its confidence that the Government of Guatemala, URNG and all those responsible for implementing the Peace agreements will take steps to fulfil the commitments made, in strict accordance with the timetable for the implementation of the Peace agreements and on the basis of the spirit and letter of the Agreement on a Firm and Lasting Peace, following the recommendations and guidelines of the Follow-up Commission;

7. Is confident that the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan people to suffer, coordinated by Mr. Christian Tomuschat, will begin its work as soon as possible and requests the international community and the Government to extend

full cooperation to the Commission, including access to any confidential information, and provide it with the necessary resources and time needed to carry out its mandate in accordance with the relevant agreements;

8. Calls upon the Government of Guatemala, URNG and Guatemalan society as a whole to make every possible effort to familiarize the Guatemalan people with the content of the Peace agreements as quickly as possible, to ensure the full participation of the people in building the new multi-ethnic, multicultural and multilingual nation, establishing a democratic society with social justice, initiating a period of sustained and sustainable economic and social development and ensuring the pre-eminence of civilian authority in national decision-making;

9. Also calls upon the Government of Guatemala to continue, on the basis of the Agreement on a Firm and Lasting Peace and in accordance with its timetable, to adopt and develop concrete measures against extreme poverty, using national resources and with international support, to enable the population to attain better living standards, giving priority to economic and social development programmes which respond adequately to the most urgent needs of the Guatemalan people in general and the indigenous communities in particular;

10. Further calls upon the Government of Guatemala, in order to preserve broad support for the Peace agreements and foster enthusiasm for compliance with them, to seek dialogue with all sectors and to use consultation as a way of resolving social and economic conflicts, particularly those relating to the tenure and use of land and those affecting the rights of workers;

11. Requests the Congress of the Republic to conduct its legislative work with the firm resolve of adhering to the letter, spirit and overall perspective of the Peace agreements and to seek the broadest possible consensus for the adoption of laws, both those deriving from the Peace agreements and ordinary laws, so as to ensure that they become effective instruments for the transformation of the State and society provided for in the agreements;

12. Requests the judicial authorities, in coordination with the Executive Power, the Congress of the Republic and the Commission on the Strengthening of the Justice system, to expedite the restructuring and consolidation of the judicial system on the basis of the Peace agreements and their timetable, so as to fully guarantee the rule of law, the application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights;

13. Welcomes with satisfaction the signing of the agreement on the provision of advisory services in the field of human rights between the Government of the Republic of Guatemala and the Centre for Human Rights and requests the Secretary-General to develop as quickly as possible specific programmes for the strengthening and development of governmental and non-governmental human rights organizations, using the resources provided for in the agreement;

14. Requests the Secretary-General to terminate the mandate of the independent expert and, taking account of the verification work of MINUGUA and of the information provided by the Government of Guatemala and the non-governmental human rights organizations, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evaluation and development of measures adopted by the Government and other bodies concerning the provision of advisory services in the field of human rights to the Government of Guatemala and the non-governmental human rights organizations;

15. Expresses its deepest appreciation to the independent expert, Mrs. Mónica Pinto, for the professional, competent and independent manner in which she has discharged her mandate;

16. Decides to consider this question at its next session under the agenda item on advisory services in the field of human rights.